

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

RECEIVED BY COURT ORDER

UNITED STATES OF AMERICA,
V.

FILED
MAR 26 2019 *bn*
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN ORTINO,

CR 19

142 WHO

DEFENDANT(S).

INDICTMENT

18 U.S.C. §§ 1001(a)(2) & 2 - False Statement to Government Agency

A true bill.

[Signature]

Foreman

Filed in open court this 26 day of

MARCH, 2019

[Signature]

KAREN L. HOM

Clerk

SALLIE KIM

United States Magistrate Judge

Bail: \$ no bail arrest warrant

[Signature]

1-MR

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNTS 1-3: 18 U.S.C. § 1001(a)(2) & 2 - False Statement to Government Agency

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 5 years imprisonment, \$250,000 fine, 3 years of supervised release, \$100 mandatory special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Jonathon Ortino

DISTRICT COURT NUMBER

FILED CR 19 142

DEFENDANT

WHO**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security OIG

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form DAVID ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SAUSA Christopher Vieira

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: no bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

DAVID L. ANDERSON (CABN 149604)
United States Attorney

FILED

MAR 26 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

No. **CR 19 142**

Plaintiff,

v.

JONATHON ORTINO,

VIOLATION:
18 U.S.C. §§ 1001(a)(2) & 2 – False Statement to
Government Agency

Defendant.

UNDER SEAL

INDICTMENT

The Grand Jury charges:

Introductory Allegations

1. At all times relevant to this indictment, the defendant, Jonathon Ortino, was the president of the National Treasury Employees Union, Chapter 165 ("NTEU 165").

2. As the president of NTEU 165, the defendant had an obligation to file the union's annual Form LM-3 Labor Organization Annual Report ("Form LM-3") with the Department of Labor's Office of Labor-Management Standards.

3. The Form LM-3 required defendant to report, among other things, loans and disbursements made to NTEU 165's officers, and money received by NTEU 165.

COUNT ONE: 18 U.S.C. §§ 1001(a)(2) (False Statement to Government Agency)

On or about February 24, 2015, in the Northern District of California, the defendant,

INDICTMENT

JONATHON ORTINO,

did willfully and knowingly make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Department of Labor, a department of the executive branch of the Government of the United States. Specifically, defendant knew that some of the information in the Fiscal Year 2014 Form LM-3 for NTEU 165 was not true, correct, and complete because the Form LM-3 included the following materially false, fictitious, and fraudulent statements and representations:

- (1) In response to Question 18, which asked if NTEU 165 had "loans totaling more than \$250 to any officer, employee, or member" during the reporting period, the Form LM-3 said "no"; in truth and in fact, NTEU 165 had loaned defendant more than \$250 during the reporting period;
- (2) In response to Question 24, the Form LM-3 stated that NTEU 165 gave defendant \$1,060 in allowances and disbursements during the reporting period; in truth and in fact, NTEU 165 disbursed more than \$1,060 to defendant during the reporting period; and
- (3) Statement A of the Form LM-3 stated that NTEU 165 did not make any loans during the reporting period; in truth and in fact, NTEU 165 loaned defendant money during the reporting period.

All in violation of Title 18, United States Code, Sections 1001(a)(2) & 2.

COUNT TWO: 18 U.S.C. §§ 1001(a)(2) (False Statement to Government Agency)

On or about March 29, 2016, in the Northern District of California, the defendant,

JONATHON ORTINO,

did willfully and knowingly make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Department of Labor, a department of the executive branch of the Government of the United States. Specifically, defendant knew that some of the information in the Fiscal Year 2015 Form LM-3 for NTEU 165 was not true, correct, and complete because the Form LM-3 included the following materially false, fictitious, and fraudulent statements and representations:

- (1) In response to Question 18, which asked if NTEU 165 had "loans totaling more than \$250

to any officer, employee, or member” during the reporting period, the Form LM-3 said “no”; in truth and in fact, NTEU 165 had loaned defendant more than \$250 during the reporting period; and

- (2) Statement A of the Form LM-3 stated that NTEU 165 did not make any loans during the reporting period; in truth and in fact, NTEU 165 loaned defendant money during the reporting period.

All in violation of Title 18, United States Code, Sections 1001(a)(2) & 2.

COUNT THREE: 18 U.S.C. §§ 1001(a)(2) (False Statement to Government Agency)

On or about March 30, 2017, in the Northern District of California, the defendant,

JONATHON ORTINO,

did willfully and knowingly make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Department of Labor, a department of the executive branch of the Government of the United States. Specifically, defendant knew that some of the information in the Fiscal Year 2016 Form LM-3 for NTEU 165 was not true, correct, and complete because the Form LM-3 included the following materially false, fictitious, and fraudulent statements and representations:

- (1) In response to Question 18, which asked if NTEU 165 had “loans totaling more than \$250 to any officer, employee, or member” during the reporting period, the Form LM-3 said “no”; in truth and in fact, NTEU 165 had loaned defendant more than \$250 during the reporting period;
- (2) In response to Question 24, the Form LM-3 stated that NTEU 165 gave defendant \$936 in allowances and disbursements during the reporting period; in truth and in fact, NTEU 165 disbursed more than \$936 to defendant during the reporting period; and
- (3) Statement A of the Form LM-3 stated that NTEU 165 did not make any loans during the reporting period; in truth and in fact, NTEU 165 loaned defendant money during the reporting period.


All in violation of Title 18, United States Code, Sections 1001(a)(2) & 2.

1 DATED: 3-26-2019

A TRUE BILL.

2
3 
4 FOREPERSON
San Francisco

5 DAVID L. ANDERSON
6 United States Attorney

7 
8 HALLIE HOFFMAN
9 Chief, Criminal Division

10 (Approved as to form: )
11 CHRISTOPHER VIEIRA
Special Assistant United States Attorney